

## MINUTES OF THE CITY COUNCIL

## CITY OF AUSTIN, TEXAS

## Regular Meeting

June 22, 1950  
10:00 AM

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding:

## Roll Call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Absent: None

Present also: Walter E. Seaholm, City Manager; Trueman E. O'Quinn, City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police; Herbert Hargis, Engineer from the Health Department.

Councilman MacCorkle moved that since copies of the minutes of the last meeting of the City Council have been furnished Council members by the City Clerk, the reading of the minutes be dispensed with and that the minutes be adopted as read in the Clerk's report. Upon being duly seconded by Councilman Long, the motion was unanimously adopted by the Council and the minutes so approved.

MR. LUTHER GORDON DAY appeared before the Council appealing the administrative decision on his application to operate a taxi-cab. He was turned down due to his police record; but did hold a driver's license. Councilman Long moved that he be GRANTED a permit to operate a taxi-cab. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

MR. HERBERT RAY PRATHER appeared before the Council appealing the administrative decision on his application to operate a taxi-cab. He was turned down due to his police record; but did hold a driver's license. Councilman Long moved that he be GRANTED a permit to operate a taxi-cab. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Regarding the enforcement of the Sunday Blue Laws, Mayor Glass stated the Police and Legal Departments had the matter before them and a decision would come from those departments. MR. RALPH SCHNEIDER submitted a list of 250 names who had no objections to grocery stores staying open on Sunday. MR. ROBERT SNEED stated appeal had been made to the City Council because City Police were responsible for enforcing violations of the laws; that the Sheriff enforces laws outside the City. CHIEF THORP stated the municipal officers followed the lead of the State officers in this case; that the State Officer enforces Federal, State and County Laws; the City officer enforces Federal, State, County and City laws, and it is their right and sworn duty to enforce the laws. He stated it was an enforcement matter which the Police accept; that they could enforce it, and they would have to prove each case and the burden of proof would be on the Police. The City Attorney stated his Department would take the Statutes and write out the rules put down by the Legislature and the Courts, and get something in brief form and supply the merchants with it, so they could be informed. The Mayor explained the City Attorney interpreted the law, and the Police enforced it, and he suggested that everybody be given full opportunity to know when it is going to be enforced. REV. GERALD GADDY spoke stating the staying open on Sunday was an unfair practice, and if the State law could not be enforced, that the City make a law that would be fair to everyone. ROBERT WEARNER, Seventh Day Adventist, spoke stating there should be a day set aside for rest, but it should not be designated as Sunday, as that was favoring one mode of worship above another. REV. ROESNER spoke, noting the trend all over the country of disregarding Sunday, and stated he spoke on the moral side--not the legal side--not the economical side. The Mayor stated the City Attorney thought it could be enforced, and the Chief of Police stated it was his obligation.

Public hearing was held on the following applications for change of zoning, as advertised:

DUPLEX ADVERTISING COMPANY	2618 East 7th Street, and additional property as recommended by the Zoning Board. (Lots 4-14; 18-27; 32-42; 46-56; 60-70; and 70-84)	From "A" Residence To "D" Industrial RECOMMENDED by the Zoning Board to include additional property.
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Mr. Ed St John appeared in behalf of the Duplex Advertising Company. No opposition was present. Councilman MacCorkle moved that the recommendation of the Zoning Board be upheld and the requested change granted, and that the City Attorney be instructed to draw up the necessary ordinance. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

FRANK RIEGER  
(By Emmett Shelton) 1000 West 29th Street

From "A" Residence  
To "C" Commercial  
NOT Recommended by the  
Zoning Board

MR. EMMETT SHELTON represented Mr. Rieger, stating Mr. Rieger wanted to build a filling station at this site, and that the whole character of Lamar had changed. DR. W. J. BATTLE, DR. EDWARD MICEK, MRS. C. M. ALFORD, MRS. ELY TURPEN, MRS. WALTER MARTIN, and others offered opposition to the change from residential. Councilman MacCorkle moved that the recommendation of the Zoning Board of Adjustment be upheld and the requested change NOT granted. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman Johnson moved that the following applications for change of zoning be referred to the Zoning Board of Adjustment for consideration and recommendation:

LEOLA SLAUGHTER and ANNIE MAE VANCE, By GEORGE R. SLAUGHTER	2119 East 8th Street and 710 Prospect Avenue	From "B" and "C" To "C-1" Commercial
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CHAS. S. HEACOCK AND J. M. PATTERSON, JR.	203 and 205 West 15th and 1406-1410 Colorado	From "B" Residence To "C" Commercial
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The motion, seconded by Councilman Drake, carried by the following vote:  
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman Johnson moved that the following application for change of zoning be set for public hearing, Thursday, JULY 13, 1950, at 11:00 A.M.:

FRANK & ANITA MARIE BUTLER, REUBEN & VELMA MAE WRIGHT, AND LUDWIG AND EDA WENDLANDT	405, 409, and 411 West 16th Street	From "B" Residence To "C" Commercial
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The motion, seconded by Councilman Drake, carried by the following vote:  
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

COUNCILMAN LONG inquired about cleaning the parks and cutting the weeds. The City Manager stated two new mowers had been received, and this work could be performed faster now; and if necessary, extra personnel would be added.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the erection of a private boat dock on the property owned by Tom E. Johnson as described in the Travis County Deed Records and being on the shore of Lake Austin and hereby authorizes the said Tom E. Johnson to construct, maintain and operate this private boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this private boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocations is retained if, after hearing, it is found by the City Council that the said Tom E. Johnson has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendation attached)

June 22, 1950

Mr. Walter E. Seaholm  
City Manager  
Austin, Texas

Dear Sir:

I, the undersigned, have reviewed the plans and have considered the application of Tom E. Johnson, owner of a piece of property abutting on the west side of Lake Austin, and listed in the Travis County Deed Records, for permission to construct and maintain a private boat dock projecting out into Lake Austin approximately 38 feet.

I recommend that Tom E. Johnson be granted permission to construct and maintain said private boat dock subject to the following conditions:

(1). That nothing but creosoted or cedar piles and heavy iron bolts or concrete be used in the construction of this pier, dock or wharf.

(2). That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

(3). That no structure shall extend into Lake Austin more than fifty (50) feet beyond normal high water or more than one-third the distance from shore to shore at point where structure is located, and not nearer than ten (10) feet to the side property or lease line.

(4). That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or

other warnings for daylight use.

Respectfully submitted,  
(Sgd) J. C. Eckert  
Building Inspector

Which motion, duly seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in LAWSON LANE, from Rosewood Avenue southerly 82 feet, the centerline of which gas main shall be 2 feet west of and parallel to the east property line of said LAWSON LANE.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(2) A gas main in KOENIG LANE, from a point 36 feet west of the east property line of Arroyo Seca northwesterly 16 feet to a point 5 feet north of the north property line of Koenig Lane; thence westerly 29 feet; thence southwesterly 16 feet to a point  $7\frac{1}{2}$  feet south of the north property line of Koenig Lane; thence westerly 5 feet.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(3) A gas main in SAN ANTONIO STREET, from a point 214 feet north of West 22nd Street northerly 65 feet, the centerline of which gas main shall be 20 feet west of and parallel to the east property line of said SAN ANTONIO STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(4) A gas main in EAST 13th STREET, from Walnut Avenue easterly 190 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said EAST 13th STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(5) A gas main in OAK CREST AVENUE, from Cumberland Road northerly 287 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said OAK CREST AVENUE.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(6) A gas main in POQUITO STREET, from Washington Avenue southerly 153 feet, the centerline of which gas main shall be  $6\frac{1}{2}$  feet west of and parallel to the east property line of said POQUITO STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(7) A gas main in EAST  $10\frac{1}{2}$  STREET, from San Marcos Street westerly 112 feet, the centerline of which gas main shall be 6 feet south of and parallel to the north property line of said EAST  $10\frac{1}{2}$  STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(8) A gas main in JULIUS STREET, from a point 242 feet south of Canterbury Street southerly 27 feet, the centerline of which gas main shall be 15 feet west of and parallel to the east property line of said JULIUS STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

Which motion, duly seconded by Councilman MacCorkle, carried by the

following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Long introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING AN ALLEY TRAVERSING BLOCK 12 OF THE C. R. JOHNS SUB-DIVISION, AS SHOWN ON A PLAT OF SAID SUBDIVISION OF RECORD IN PLAT BOOK I, PAGE 3, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, BUT RETAINING EASEMENTS IN SAID ALLEY FOR ALL PUBLIC UTILITIES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, duly seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended, and the ordinance passed to its third reading. The motion, duly seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The ordinance was read the third time, and Councilman Long moved that the ordinance be finally passed. The motion, duly seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The Mayor then announced that the ordinance had been finally passed.

Councilman MacCorkle introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(b) OF ARTICLE III, RELATING TO STOP SIGN LOCATIONS, AND AMENDING SECTIONS 22(c), 22(e) and 23(d) OF ARTICLE IV, RELATING TO FIFTEEN-MINUTE PARKING LOCATIONS, ONE-HOUR PARKING LOCATIONS AND LOADING ZONE LOCATIONS, RESPECTIVELY; REPEALING ALL

ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND  
DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its second reading. The motion, duly seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The ordinance was read the second time, and Councilman MacCorkle moved that the rule be suspended, and the ordinance passed to its third reading. The motion, duly seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The ordinance was read the third time, and Councilman MacCorkle moved that the ordinance be finally passed. The motion, duly seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The Mayor then announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on November 13, 1947, at the request of the Board of Trustees of the Austin Public Free Schools the City Council of the City of Austin passed an ordinance which is now of record in Volume 873 at page 569 of the Deed Records of Travis County, Texas, closing and vacating the streets hereinafter described; and,

WHEREAS, by instrument dated 7th day of June, 1950, the Board of Trustees of the Austin Public Free Schools has re-dedicated to the public for public use forever that portion of Hillview Road running easterly from Greenlee Drive and all of Richard Lane as the same are shown on the map or plat of Brentwood Place, an addition to the City of Austin, which map or plat is recorded in Book 4 at page 164 of the Plat Records of Travis County, Texas; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the re-dedication of such streets by the Board of Trustees of the Austin Public Free Schools be, and the same is hereby approved, and the streets so dedicated are hereby accepted.

Which motion, duly seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None



Councilman Long brought up the following resolution, offered at the Regular Meeting of June 15, 1950, and laid over for one week:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$3,127.50 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of Construction of a dock and boat house on the north side of Lake Austin approximately 175 feet above the L.C.R.A. Administration Building in the City of Austin.

Which motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

With reference to the request of L. EAST for permission to build a platform in the alley, Councilman Johnson moved that the City Manager instruct the City Attorney to draw up an ordinance granting L. EAST permission to erect this platform in the alley on a temporary basis. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The recommendations of the Building Code Committee were not discussed at this meeting, but it was decided that additional copies be sent to the Council for further study.

COUNCILMAN MacCORKLE inquired about the selection of an Administrator for BRACKENRIDGE HOSPITAL. It was stated there were 40 applications, and good material from which to make a selection, and that an administrator would be named soon.

COUNCILMAN LONG inquired about the recommendations of the Zoning Board. The City Attorney stated that an ordinance had been written, and a plan was being worked out regarding the Zoning Board. He stated also that all the cases the Board had considered, would be gone over, and the law would be made to apply in a practical manner.

The City Manager submitted the request of Mr. Bascom Giles for an exchange of property. The City is building a bridge over 38 $\frac{1}{2}$  Street, and needs some additional property, and could make the exchange. The Council advised him to go ahead and work it out.

COUNCILMAN JOHNSON stated he would like to go ahead and revamp the Zoning Ordinance and perhaps get the City Manager to appoint someone to help out. He then moved that the City Manager secure from the Legal Department a schedule showing the various steps that will be necessary in this revision. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman MacCORKLE offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby, authorized and directed, in the name of the City Council, to refer to the Zoning Board of Adjustment, for consideration and report to the City Council, every application made for proposed changes and amendments to the Zoning Ordinances of the City of Austin immediately upon filing of such application as provided by ordinance.

The motion, seconded by Councilman Johnson, carried by the following vote:  
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The City Manager and City Attorney presented their plan for compiling the ordinances passed since 1908, and stated it would take just about a year, and that the compiling would be better than codifying.

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Walter Seaholm, City Manager, be and he is hereby authorized and directed to execute on behalf of the City of Austin a release of a portion of the sanitary sewer easement indicated on the map or plat of Owens Estates as the same is recorded in Vol. 522, Page 235 of the Deed Records of Travis County, Texas, the portion to be released being the part thereof which traverses Lot 6, Owens Estates, according to such map or plat.

The motion, seconded by Councilman Long, carried by the following vote:  
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman Long introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN OR-

DINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY AMENDING THE FOLLOWING SECTIONS: SECTION 4, SO AS TO AMEND PARAGRAPH (b) OF ITEM 13; SECTION 6, SO AS TO AMEND ITEM 20; SECTION 13, SO AS TO AMEND PARAGRAPH (e); SECTION 14, SO AS TO AMEND PARAGRAPH (d); SECTION 18, SO AS TO DELETE PARAGRAPH (h); SECTION 19, SO AS TO AMEND PARAGRAPH (a); SECTION 2, SO AS TO ADD DEFINITION OF CAR PORT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

The ordinance was introduced and laid over.

There being no further business, the Council recessed, subject to the call of the Mayor.

APPROVED:

*O. Taylor B. Lee*  
Mayor

ATTEST:

*Elsie Hoosley*  
City Clerk